

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUTOMATIC HANDLING INTERNATIONAL, INC.,

Plaintiff,

v.

Case No. 06-11749
Hon. Victoria A. Roberts

DOMTAR INDUSTRIES, INC.,

Defendant.

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ORDER

This matter is before the Court on Defendant's Motion to Dismiss (Doc. #6). Defendant moved to dismiss Plaintiff's Complaint because one of the two contracts the suit is based on involves a mandatory forum selection clause. Unsure of the proper mechanism to seek dismissal, Defendant sought dismissal under Federal Rule of Civil Procedure 12(b)(1), 12(b)(3), and 12(b)(6); and under the doctrine of *forum non conveniens*.

On May 17, 2006, Plaintiff filed an Amended Complaint eliminating reference to the contract containing the forum selection clause.

Accordingly, Defendant's Motion to dismiss is **MOOT** and the hearing scheduled June 9, 2006 is cancelled.

IT IS SO ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: May 19, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on May 19, 2006.

s/Linda Vertriest
Deputy Clerk